

### REMARKS

Reconsideration of the pending application is respectfully requested on the basis of the following particulars:

#### In the claims

Claims 1, 15, and 16 have been amended to point out that the flow-through canalisation narrows from a part preceding a critical section (narrowest section) of the jet pipe to the critical section, and a part that extends from the critical section to the outlet opening, the part that extends from the critical section to the outlet opening having an upper wall that is exclusively convex and that extends from the critical section to the outlet opening. This amendment is supported in the specification in the original claim 8, and at lines 5-9 of page 4 and lines 7-14 of page 10 of the original specification. Accordingly, no new matter is added.

Claim 2 has been amended since the limitations of claim 2 are now incorporated into claim 1, and claim 8 has been amended to eliminate limitations now recited in claim 1. Claims 3 and 4 are amended in view of antecedent basis for the critical section of the jet pipe now provided in claim 1.

Claim 4 is also amended, as discussed further below, with respect to the recitation of a broad angular range or limitation together with a narrow angular range or limitation.

#### Rejection of claim 4 under 35 U.S.C. § 112, second paragraph

Claim 4 presently stands rejected as being indefinite. The examiner notes that claim 4 recites a broad range or limitation together with a narrow range or limitation. In particular, the examiner notes that claim 4 recites the broad limitation of “at least 15 degrees” and also the narrower limitation of “preferably between 15 and 40 degrees.”

Claim 4 has been amended to recite only the broad angular limitation of “at least 15 degrees,” and a new claim 17 has been added to separately recite the angular limitation as “between 15 and 40 degrees.”

In view of the amendment to claim 4, withdrawal of this rejection is requested.

#### Rejection of claims

Claims 1-7, 9-14, and 16 presently stand rejected as being anticipated by Suzuki et al. (U.S. 4,304,269), and claims 8 and 15 are rejected as being unpatentable over Suzuki in view of Maes (U.S. 4,794,958). These rejections are respectfully traversed for at least the following reasons.

As discussed above, claims 1, 15, and 16 have been amended to point out that the flow-through canalisation narrows from a part preceding a critical section (narrowest section) of the jet pipe to the critical section, and a part that extends from the critical section to the outlet opening, the part that extends from the critical section to the outlet opening having an upper wall that is exclusively convex and that extends from the critical section to the outlet opening.

Accordingly, amended claim 1 requires that an upper wall extending from the critical section to the outlet opening is concave.

As the examiner has acknowledged in the recent Office action, Suzuki “does not teach that the upper wall of the outlet is concave.”

Claim 1 further requires that the concave upper wall is formed in a part of the flow-through canalisation extending from a critical section (narrowest section) of the jet pipe (formed in the flow-through canalisation) to the outlet opening.

It is respectfully submitted that neither Suzuki nor Maes (U.S. 4,794,958, cited in the rejection of claims 8 and 15 but discussed with respect to claim 1 to the extent that claim 1 now incorporates features previously recited in claim 8) disclose or suggest a

convex upper wall in a part of the flow-through canalisation extending from a critical section of the jet pipe to the outlet opening.

Maes discloses only that “a recess 35 is provided in the embodiment of FIGS 9 and 10 in the *back wall* of the tubule 10 *opposite* the slot 7” (Maes; col. 7, lines 22-24)(emphasis added).

The back wall of Maes does not correspond to the upper wall of a part of the flow-through canalisation extending from a critical section to the outlet opening. Moreover, the back wall does not extend to an outlet opening as required by claim 1. On the contrary, the back wall is opposite the slot 7, and therefore the recess 35 is opposite an outlet opening of the slot 7, not formed in an upper wall that extends to set 7 or to an outlet opening of slot 7.

Maes’ slot 7 itself has an upper wall 30 that is not concave, as can be clearly seen in Maes’ Figs. 5, 6, and 10.

Therefore, claim 1 as amended is not anticipated by Suzuki, because Suzuki does not disclose or suggest each and every element set forth in claim 1. Further, Maes does not disclose or suggest a concave upper wall as claimed, and therefore Maes does not provide any basis for modification of, or combination with, Suzuki to arrive at the present invention. Any modification of, or combination with, Suzuki in view of Maes still fails to disclose or suggest the upper wall as claimed.

It is respectfully submitted that, for at least these reasons, claim 1 and claims 3-14 and 17 which depend from claim 1, are allowable over the cited references.

Also, Applicant notes that claims 15 and 16 have been amended in a manner consistent with claim 1. Accordingly, it is respectfully submitted that claims 15 and 16 are allowable for the same reasons discussed above with respect to claim 1.

Accordingly, withdrawal of these rejections is requested.

Application No.: 10/539,584  
Examiner: R. Muromoto, Jr.  
Art Unit: 3765

Conclusion


In view of the amendments to the claims, and in further view of the foregoing remarks, it is respectfully submitted that the application is in condition for allowance. Accordingly, it is requested that claims 1 and 3-17 be allowed and the application be passed to issue.

If any issues remain that may be resolved by a telephone or facsimile communication with the Applicant's attorney, the Examiner is invited to contact the undersigned at the numbers shown.

BACON & THOMAS, PLLC  
625 Slaters Lane, Fourth Floor  
Alexandria, Virginia 22314-1176  
Phone: (703) 683-0500

Date: February 2, 2007

Respectfully submitted,

  
JOHN R. SCHAEFER  
Attorney for Applicant  
Registration No. 47,921